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REMARKS

Consideration and allowance of the subject application are respectfully requested.

Claims 17 - 299 are pending in the application. No claims have been amended to overcome prior art.

The rejection of claims 212-299 under 35 U.S.C. § 112, second paragraph, is obviated by the amendment to claim 212 shown above. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

The provisional rejection of claims 17-299 under 35 U.S.C. § 101 as claiming the same invention as that of claims 17-299 of copending application No. 09/009,455 is respectfully traversed. Claims 17-299 of the '455 application relate to methods of making an explosion, explosive materials, and explosive devices. In contrast, the claims in the present application relate to fuels, methods of propelling objects and rockets. Thus, the inventions of the present claims are clearly not the same as the inventions of claims 17-299 of the '455 application. Accordingly, withdrawal of the Section 101 rejection is respectfully requested.

The provisional rejection of claims 17-299 under the judicially created doctrine of obviousness-type double patenting over claims 17-299 of copending application No. 09/009,455 is respectfully traversed. The Applicant submits that the present claims are patentably distinct from claims 17-299 of the '455 application. Claims 17-299 of the '455 application relate to methods of making an explosion, explosive materials, and explosive devices. In contrast, the claims in the present application relate to fuels, methods of propelling objects and rockets. However, merely to facilitate an early Notice of Allowance, Applicant files herewith a Terminal Disclaimer to obviate the provisional double patenting rejection. The Applicant notes that the filing of the Terminal Disclaimer is not an admission of the propriety of the double patenting rejection. See *Quad Environmental Technologies Corp. v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991), in which the Court stated that "the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel

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on the merits of the rejection." Accordingly, withdrawal of the double patenting rejection is respectfully requested.

In view of all of the objections and rejections of record having been addressed, it is sincerely believed that the subject application is in condition for allowance and Notice to that effect is respectfully requested.

Respectfully submitted,

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